

Docket No.: AM102286
Application No.: 10/582,531
Patent

REMARKS

Status of the claims

Claims 1-6, 8-10 and 18 are under examination. Claims 3, 8 and 18 are currently rejected. Claims 3 and 8 are currently cancelled without prejudice or disclaimer, and claim 18 is currently amended. Applicants reserve the right to pursue the subject matter of claims 3 and 8 in another application. Applicants respectfully ask that the Examiner enter the amendment of claim 18 into the case, since the amendment complies with a form expressly set forth in the Office action.

Information disclosure Statement

The Office has not considered the IDS that was submitted on January 29, 2009 for containing GenBank® references which were allegedly illegible due to scrambled sequences.

Applicants enclose herewith courtesy copies of GenBank® references for NM_006922, AF225986, NM_013119, NM_018732 and NM_013199 and a new PTO-1449 form. Applicants respectfully point out that legible copies of these references can be found on PAIR as NPL documents submitted on September 17, 2008.

Rejections withdrawn

Applicants wish to thank the Examiner for withdrawing the rejections under 35 USC § 101, utility and non-statutory subject matter, and 35 USC § 112, written description and second paragraph.

Claim rejection – 35 USC § 112, enablement

Claims 3 and 8 stand rejected under 35 USC § 112 for allegedly lacking enablement. Applicants have cancelled claims 3 and 8, thus rendering the rejection of those claims moot.

Claim rejection – 35 USC § 112, written description

Claim 18 stands rejected under 35 USC § 112, first paragraph, written description for allegedly containing new matter. The Office alleges that the recitation of "a depolarizing voltage sufficient to cause the channel to open and a sodium current to pass through the channel" is not supported by the specification. The Office suggests that "the recitation of

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depolarizing voltages in the ranges of -80mV to 50mV would overcome the rejections", (Office action, p. 8, last line under "New Matter rejection").

Applicants have currently amended claim 18 to recite the depolarization ranges of -80mV to 50mV, which is supported in the specification as filed at page 80, lines 32-33. The amendment does not present new matter.

In view of the amendment, Applicants request that the Office withdraw its new matter rejection of claim 18.

CONCLUSION

Applicants believe that the claims are in a condition for allowance and request that the Office issue a notice of allowance. However, should any outstanding issues remain, Applicants invite the Examiner to contact the undersigned Agent.

Respectfully submitted



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